

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

WANDA IRENE KINS,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:14-CV-86
(JUDGE GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble [ECF 25], filed on February 27, 2015, to which neither party filed objections.

This Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. 28 U.S.C. § 636(b)(1)(C). However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the district court to review the recommendation under the standards that the district court believes are appropriate, and, under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979).

Pursuant to Judge Trumble's R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6(d), objections were due fourteen days plus three days after entry of the R&R, or March 16, 2015. Because no objections have been filed, this Court reviews the report and recommendation for clear error.

In this matter, Judge Trumble found that substantial evidence did not support the

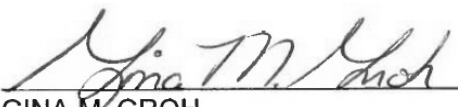
ALJ's residual functional capacity assessment or credibility determination and recommended granting the Plaintiff's Motion for Summary Judgment and remanding this case for further proceedings.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff's Motion for Summary Judgment [ECF 14] is **GRANTED** and the Commissioner's Motion for Summary Judgment [ECF 17] is **DENIED**, with a remand of the case to the Commissioner for further proceedings consistent and in accord with the Report and Recommendation. Accordingly, this Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be **STRICKEN FROM THE DOCKET OF THIS COURT**. The Clerk is **DIRECTED** to enter judgment in favor of the Plaintiff.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: March 17, 2015


GINA M. GROH
UNITED STATES DISTRICT JUDGE